

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**LOWELL SACHNOFF and
ADAM R. CHISS,**

On behalf of Guantánamo Bay prisoners
Walid Ibrahim Mustafa Abu Hijazi
and Maasoum Abdah Mouhammad,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
DEFENSE,**

Defendant.

Case No. 07 C 6888

Judge Der-Yeghiayan

PARTIES' JOINT INITIAL STATUS REPORT

Pursuant to this Court's Order, dated January 15, 2007, and pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties hereby submit the following joint initial status report:

Attorneys of Record

Plaintiffs Lowell Sachnoff and Adam R. Chiss are represented by:

Lowell Sachnoff
Matthew J. O'Hara
Adam R. Chiss
Brian C. Lewis
REED SMITH LLP.
10 South Wacker Drive, Suite 4000
Chicago, IL 60606
(312) 207-1000

Defendant United States Department of Defense is represented by:

Harpreet K. Chahal
Assistant United States Attorney
219 South Dearborn Street
Suite 500
Chicago, IL 60604

1. Nature of claims

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 522 *et seq.*, seeking an order requiring the Defendant, the United States Department of Defense and its components, to immediately produce agency records requested by Plaintiffs, who are detainees held in Defendant’s custody at Guantánamo Bay Naval Station.

By agreement of the parties, Defendant’s answer is due on or before February 5, 2008.

2. Relief sought by Plaintiff

Plaintiffs seek: (i) a declaration that Defendant’s refusal to produce the records requested by Plaintiffs violates the Freedom of Information Act; (ii) an order enjoining and ordering Defendant to disclose the requested records in their entirety and to make copies available to Plaintiffs; (iii) expeditious proceedings in this action as provided for by 28 U.S.C. § 1657; and (iv) an award of Plaintiffs’ costs and reasonable attorneys’ fees incurred in this action as provided for by 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d).

3. Names of parties not served

None. The sole defendant in this matter has been properly served.

4. Principle legal issues

The principle legal issues concern whether (i) Defendant’s failure to provide an initial determination within the applicable time limit violated 5 U.S.C. § 552(a)(6)(A)(i); (ii) Defendant’s failure to disclose or produce the requested documents violated FOIA; and (iii) Defendant’s eventual claimed exemptions, withholdings and/or redactions of requested documents are proper under FOIA.

5. **Principle factual issues**

The principle factual issues will likely center on whether Defendant's eventual claimed exemptions, withholdings, and/or redactions of requested documents are proper under FOIA.

6. **List of pending motions and brief summary of bases for motions**

None.

7. **Description of discovery requested and exchanged**

None yet. Defendant has not answered or otherwise responded to Plaintiffs' complaint. By agreement of the parties, Defendant's answer is due on or before February 5, 2008.

8. **Types of discovery needed**

The parties have not decided at this time what types of discovery they will propound or whether discovery will even be necessary in the context of FOIA litigation.

9. **Proposed dates for Rule 26(a)(1) disclosures and other dates**

The parties do not believe that Rule 26(a)(1) disclosures are appropriate under the circumstances of this action. The parties estimate that fact discovery can be completed by June 30, 2008. The parties estimate that dispositive motions can be filed by October 31, 2008.

10. **Estimation of when case will be ready for trial**

The parties anticipate that the disposition of the case will be resolved on summary judgment.

11. **Probable length of trial**

The parties anticipate that the disposition of the case will be resolved on summary judgment.

12. **Whether a request has been made for a jury trial.**

No.

13. **Whether there have been settlement discussions**

While there have not been formal settlement discussions about resolving the entire case, counsel for the respective parties have conferred on a number of occasions. Counsel for Defendant has informed counsel for Plaintiffs that Defendant will make efforts to begin producing documents on a rolling basis.

14. **Whether the parties consent to proceed before a Magistrate Judge**

The parties do not consent to proceed before a Magistrate Judge.

Dated: January 30, 2008

Respectfully submitted,

LOWELL SACHNOFF
and **ADAM R. CHISS**,
Plaintiffs

/s/ Adam R. Chiss

Lowell Sachnoff
Matthew J. O'Hara
Adam R. Chiss
Brian C. Lewis
REED SMITH LLP
10 S. Wacker Drive
Chicago, IL 60606
312-207-1000

Respectfully submitted,

U.S. DEPARTMENT OF DEFENSE,
Defendant

/s/ Harpreet K. Chahal

Harpreet K. Chahal
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, IL 60604

CERTIFICATE OF SERVICE

I, Adam R. Chiss, state that on January 30, 2008, I electronically filed the foregoing **Joint Initial Status Report** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Harpreet K. Chahal
Assistant United States Attorney
219 South Dearborn Street
Suite 500
Chicago, IL 60604
harpreet.chahal@usdoj.gov

Counsel for Defendant